

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED

ENTERED

LODGED

RECEIVED

AT GAITHERSBURG  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

CASE NO.

18-3193 TJS

TIMOTHY LAWRENCE DAY

\*\*\*\*\*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christine D. Carlson, a Special Agent (SA) with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn, depose and state that:

INTRODUCTION

1. I have been an agent since June 1996. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have gained experience through training in seminars, classes, and daily work related to conducting these types of investigations. Specifically, I have received formal training through U.S. Customs, HSI, and other agencies in the area of child pornography, pedophile behavior, collectors of other obscene material, and internet crime. I have participated in the execution of numerous search warrants, which involved child exploitation and/or child pornography offenses. Many of the child exploitation and/or child pornography search warrants resulted in the seizure of computers, cell phones, magnetic storage media for computers, other electronic media, and other items evidencing violation of federal laws, including various sections of Title 18, United States Code, Section 2252A involving child

exploitation offenses. I have also participated in the execution of numerous search warrants for online accounts, such as email accounts, online storage accounts and other online communication accounts related to child exploitation and/or child pornography. In the course of my employment with HSI, I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media and within online accounts.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and a law enforcement officer with the authority to execute arrest and search warrants issued under the authority of the United States.

3. I am submitting this affidavit in support of a criminal complaint and arrest warrant for TIMOTHY LAWRENCE DAY ("DAY"), born in February 1960, for violations of Title 18, United States Code, Section 2252A(a)(2) (Receipt of Child Pornography), and Section 2252A(a)(5)(B) (Possession of Child Pornography). The statements in this affidavit are based in part on information provided by Special Agents of HSI, as well as documents and reports prepared by others, and on my experience and background as a Special Agent of HSI. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation.

#### **PROBABLE CAUSE**

##### **Identifying Timothy DAY as a Purchaser of Child Exploitative Material from** [REDACTED]

4. In September 2017, HSI analyzed U.S. [REDACTED] records from a [REDACTED]

[REDACTED] for [REDACTED], and identified individuals, many who made purchases from [REDACTED]

5. The U.S. [REDACTED] records indicate that DAY made one purchase from [REDACTED] on May 2, 2017.

6. According to the U.S. [REDACTED] records, the email address to which it sent the auto-generated receipts and passwords for the purchase made by DAY on [REDACTED] was TIM6819@GMAIL.COM.

**Evidence That DAY Downloaded Child Exploitive Material from [REDACTED]**

7. The U.S. [REDACTED] records revealed the following information regarding the purchase DAY made via the U.S. [REDACTED] from [REDACTED] as well as associated identifying information.

Date:	5/2/2017
File Purchased:	[REDACTED] 27
First Name:	Timothy
Last Name:	Day
Phone:	***-***-1845
Email:	tim6819@gmail.com
Address:	**** Rockville, MD 20852

8. Based in part on the [REDACTED] data, on May 2, 2017, DAY purchased a password for an archive file with the billing code [REDACTED] 27. Investigating agents separately acquired an archive file from [REDACTED] titled "[REDACTED] 27."

9. I viewed the contents of the folder titled [REDACTED] 27. This folder was located on the copy of the [REDACTED] content server and was provided to me. I observed 3 video files contained within the folder including the two video files described below (file names modified by asterisks) depicting a known/identified victim of child exploitation:

**\*\*\*\*-26m46s.avi** -- a video file that is 26 minutes and 46 seconds long and depicts a naked prepubescent female removing the shorts and underwear of an adult male. The prepubescent female then uses her right hand to masturbate and fondle the erect penis of the adult male who is lying on the floor. The prepubescent female performs oral sex on the adult male and the adult male performs oral sex on the prepubescent female. The prepubescent female sits on the erect penis of the adult male and rubs her vagina on the erect penis while the adult male fondles and digitally penetrates the prepubescent female's anus.

\*\*\*\* 9yo.avi – a video file that is one hour and 52 seconds long and depicts a naked prepubescent female posing in various positions that expose her genitalia to the camera. At one point in the video, the prepubescent female uses her hands to fondle her exposed genitalia.

10. In August 2018, I reviewed credit card statements for an account belonging to Timothy DAY. On May 2, 2017, there was an \$89.00 charge to DAY's credit card from one of the identified [REDACTED] for [REDACTED].

11. HSI issued a summons to MCI Communications d/b/a Verizon for subscriber information related to the IP address 108.18.114.41 that was used to access the email account **TIM6819@GMAIL.COM** on August 29, 2018. The responsive information confirmed the account customer was Timothy Day with an address in Rockville Maryland, and an associated telephone number ending in 1845.

12. A criminal history check revealed DAY was convicted on or about November 20, 2002 in the U.S. District Court for the District of Columbia for possession of child pornography. DAY received five years' probation.

13. Additionally, records also revealed that DAY was convicted in 2012 in Massachusetts for indecent assault on a person who had attained the age of 14 (the victim was an adult). The offense in Massachusetts occurred in June 2004; DAY did not turn himself in on the outstanding warrant until May 2012.

14. A federal search warrant was executed on November 7, 2018 at DAY's residence in Rockville, Maryland to search the residence and the person of Timothy DAY. DAY was the only one present in the residence. Agents seized several digital devices to include a desktop computer, a laptop computer, several cell phones, a digital camera, and an Apple iPad. Also discovered in a

closet in the residence was a duffel/gym type bag containing rope, lubricant, condoms, and erectile dysfunction medicine.

15. An initial forensic analysis of the desktop computer revealed links to one of the two video files described in paragraph 9 above. One of the links showed the file downloaded to the desktop computer on May 2, 2017 at 23:44hrs to the downloads folder. Another link showed the same video file being accessed on the desktop in August 2018 from a USB drive.

16. The initial forensic analysis of the seized desktop computer also revealed approximately 18 files depicting children engaged in sexually explicit conduct. One such file is described as an image file depicting a prepubescent female with her hand and her mouth on the genitalia of a male animal. This image depicts a previously identified victim of child exploitation. Another file located on the desktop computer seized from DAY's residence is an image file depicting a close up of a prepubescent female's genitalia. A thumb from another individual's right hand is penetrating the prepubescent female's vagina.

17. On or about November 6, 2018, a federal search warrant was executed on DAY's Google accounts. Data included in the Google response included the contents of the email account TIM6819@GMAIL.COM. A review of the emails revealed an email message received on May 2, 2017 confirming DAY's purchase of "[REDACTED] 27." The contents of the body of this email stated his order was currently processing and he would receive additional information via a separate email.

CONCLUSION

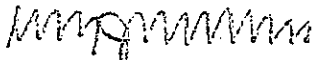
18. Based on the above described information, I submit that there is probable cause to believe that **TIMOTHY LAWRENCE DAY** is in violation 18 U.S.C. §§ 2252A(a)(2) (Receipt of Child Pornography), and 2252A(a)(5)(B) (Possession of Child Pornography).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief:



Christine Carlson, Special Agent  
Homeland Security Investigations

Sworn and subscribed before me this 16<sup>th</sup> day of November, 2018.



Timothy J. Sullivan  
United States Magistrate Judge